

**REMARKS**

Claims 1-50 are pending in this application.

Claims 15-37 and 47-50 have been allowed.

Claims 1-14 and 38-46 have been rejected.

Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

**Request for an Interview:**

In an effort to expedite allowance of this application in view of its long pendency, Applicant respectfully requests an in person interview with the Examiner to discuss the pending claims and Paavonen. The undersigned will contact the Examiner to arrange for an interview to be held at a mutually convenient time.

**Rejections Under 35 U.S.C. § 102(b):**

Claims 1-4, 6-8, 10-12, 14 and 38-46 were rejected in the Office Action mailed on May 14, 2007 under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,799,251 to Paavonen et al. ("Paavonen"). In the Office Action, each of the independent claims 1, 6, 12, 14, 38 and 43-46 was rejected over the same passage of Paavonen. That passage is reproduced below:

"When a calling radio unit MS desires to perform an SDM/EDM transmission, it sends on a normal control channel (which is not said data transmission channel) in a normal manner an RQC message, in which it requests permission to send data. After the radio system has made sure that the called party of the data transmission (e.g. another radio unit) is available, the system commands both parties of the data transmission by a normal GO-TO-CHANNEL message to said radio channel operating like a control channel for performing the data transmission on that data channel. Several radio units may be allocated to the same data channel simultaneously, the accurate number of the radio units depending on the amount of data transmission. The call control CCC of the mobile exchange MX preferably controls the amount of radio units on the data channel in such a way that the effective transmission rate of the data channel per a radio unit does not decrease too low, e.g. below a predetermined threshold."

(Paavonen, col. 4, line 60 – col. 5, line 10)

Applicant submitted a Response and Request for Reconsideration on August 8, 2007, (hereinafter “Applicant’s Response”) in which Applicant noted that “[i]t is unclear from the Office Action what exactly in Paavonen the Examiner contends corresponds to each of the claimed ‘transmitting at least one of a digital audio or video broadcast service on a first channel’ and ‘a second channel on which a service announcement identifying the service transmitted on the first channel is located’, as recited in claim 1.” (Applicant’s Response, p. 4) In its Response, Applicant described the teachings of Paavonen and, in doing so, for ease of reference, referred to “the normal control channel” on which both a mobile station’s request to send data and the radio system’s GO-TO-CHANNEL messages are sent in Paavonen as “Channel X” and “the radio channel operating like a control channel” to which the radio system instructs the mobile stations to go for performing a data transmission in Paavonen as “Channel Y”. (Applicant’s Response, p. 3) Applicant then explained why Paavonen fails to teach or suggest the subject matter of all of the rejected claims. (Applicant’s Response, pp. 3-5) Applicant also stated that “[s]hould the Examiner persist in the rejections of these claims in view of Paavonen, Applicant respectfully requests that the Examiner identify on the record what exactly in Paavonen she contends corresponds to each of the elements of the claims so that Applicant may fully consider and address her position.” (Applicant’s Response, p. 5-6)

In an Advisory Action electronically delivered on September 26, 2007, the Examiner maintained the rejection of claims 1-4, 6-8, 10-12, 14 and 38-46 in view of Paavonen and attached a “Response to Arguments” to the Advisory Action, which reads as follows:

“In response to applicant’s argument that ‘Paavonen fails to teach transmitting at least one of a digital audio or video broadcast service on a first channel and a second channel on which a service announcement identifying the service transmitted on the first channel is located’, and. that channel X is simply a channel on which a digital audio or video broadcast service is transmitted’, and channel Y is a digital audio or video broadcast service’.

The Examiner asserts that when a calling radio unit MS desires to perform an SDM/EDM transmission, it sends on a normal control channel (which is not said data transmission channel) in a normal manner an RQC message, in which it requests permission to send data. After the radio system has made sure that the called party of the data transmission (e.g. another radio unit) is available, the system commands both parties of **the data transmission by a normal GO-TO-CHANNEL message (X channel) to said radio channel operating like a control channel for performing the data transmission on that data channel (Y channel)**. Several radio units may be allocated to the same data channel simultaneously, the accurate number of the radio units depending on the amount of data transmission. The call control CCC of the mobile exchange MX preferably controls the amount of radio units on the data channel in such a way that the effective transmission rate of the data channel per a radio unit does not decrease too low, e.g. below a predetermined threshold. FIG. 3 shows a signalling diagram illustrating an application of the present invention to a multisegment SDM/EDM transmission according to MPT1343, Section 14, between two radio units MS. At 1, a calling radio unit MS requests a SDM transmission by sending an RQC message on a normal control channel. The value of the field SLOTS of the RQC message is "11" indicating that three time slots of the channel are required for a HEAD message containing the first segment of the multisegment transmission (MST). After having received the RQC message, at 2, the fixed network (the MXs and BSs) sends the called radio unit MS on a normal control channel an AHY message in order to check the availability of the called radio unit MS. At 3, the called MS sends on the normal control channel an ACK message to the network as an acknowledgement of the AHY message. **After this the network commands the both radio units MS for a data session to go to a radio channel reserved for data transmission and operating like a control channel by sending them on the normal control channel a GO-TO-CHANNEL command containing the number of said data transmission channel.** After the radio units MS have gone to the data transmission channel, the network sends to the calling radio unit MS on the data channel an AHYC message, in which field DESC is set to state "100". After the termination of the data transmission the network sends in a GO-TO-CHANNEL message a command to MS to go back to the original control channel. It is also possible that MS is allowed to stay on the data channel operating like a call channel for a limited time after the termination of the data transmission in order to wait for a new data transmission, if the network knows that it is to be expected. FIG. 4 shows a signalling diagram illustrating an application of the present invention to a multisegment SDM/EDM transmission according to MPT1343, Section 14, from the network to a radio telephone MS. At 21, the fixed network (the MXs and BSs) sends the radio unit MS on a normal control channel an AHY message in order to check the availability of the called radio unit MS. At 22, the called MS sends the network on the normal control channel an ACK message as an acknowledgement of the AHY message. Subsequently, the network commands the radio unit MS to go to the radio channel reserved for data transmission and operating like a call channel, by sending a GO-TO-CHANNEL command containing the number of said channel on the normal control channel. Then, at 23 to 28, data is transmitted from the network to a radio telephone MS by a signalling similar to the signalling at 10 to 16 in FIG. 3. **After the termination of the data transmission, the network sends in a GO-TO-CHANNEL message a command to MS to go back to the original control channel."**

Applicant respectfully submits that the “Response to Arguments” does not respond to Applicant’s arguments in any meaningful way. In fact, the first paragraph of the “Response to Arguments” clearly mischaracterizes Applicant’s arguments. For example, Applicant did not argue that “channel X [of Paavonen] is simply is a channel on which a digital audio or video broadcast service is transmitted”, as the Advisory Action contends. Quite the contrary, Applicant asserted:

“If the Examiner is contending that Channel X of Paavonen corresponds to the claimed “first channel”, Paavonen would not anticipate claim 1 for at least the reason that Channel X is simply a control channel for use in transmitting control messages. Paavonen does not disclose that Channel X is a channel on which “a digital audio or video broadcast service” is transmitted, as required by claim 1.” (Applicant’s Response, p. 4) (emphasis added)

Likewise, Applicant did not argue that “channel Y [of Paavonen] is a digital audio or video broadcast service”, as the Advisory Action further contends. Instead, Applicant stated:

If the Examiner is contending that Channel Y of Paavonen corresponds to the “first channel” of claim 1 and Channel X of Paavonen corresponds to the claimed “second channel” of claim 1, Paavonen would still not anticipate claim 1 for at least the reasons set forth below.

First, there is no teaching in Paavonen that the information transmitted on Channel Y is “a digital audio or video broadcast service”, as required by claim 1. Paavonen merely discloses transmitting/receiving short data messages (SDM) of a predefined segment of characters or extended data messages (EDM) of a multi-segment transmission. Thus, Paavonen does not teach or suggest transmitting/receiving “digital audio or video” on Channel Y, as required by claim 1. Moreover, although Paavonen mentions that several radio units may be allocated to the same data channel simultaneously, this is not a teaching that the transmission thereon is a “broadcast” service, as further required by claim 1. Instead, this merely suggests that the same data transmission channel may be shared by multiple radio units (e.g., MS1 may transmit to MS2, as in the embodiment of FIG.3, while the network transmits to MS3, as in the embodiment of FIG. 4, all on the same data transmission channel). In that regard, Applicant notes the references in Paavonen to “time slots” of the data transmission channel and reserving three time slots on that channel for transmission of a Head message containing a data segment. (Col. 5, lines 18 & 39-42)

(Applicant’s Response, p. 4-5) (emphasis added)

Moreover, in the second paragraph of the “Response to Arguments”, other than the additions of the phrase “The Examiner asserts”, the parentheticals “(X channel)” and “(Y channel)”

and the bold shading of some of the text, the second paragraph is in actuality several paragraphs from Paavonen, and, in particular, the paragraphs spanning col. 4, line 61 through col. 5, line 36 and col. 6, lines 17-44 of Paavonen, all run together in a single paragraph, and thus, can hardly be considered a “Response to Arguments”. Applicant respectfully submits that neither the paragraphs of Paavonen quoted in the second paragraph of the “Response to Arguments” nor the shaded text therein, which highlights essentially what Applicant has referred to for convenience as Channels X and Y of Paavonen, demonstrate that Paavonen teaches or suggests the subject matter of the recited claims for at least the same reasons as set forth in Applicant’s Response, pp. 3-5, which are incorporated herein by reference.

Careful reconsideration of the arguments presented in Applicant’s Response is respectfully requested. To the extent that this application is not allowed over Paavonen, Applicant also respectfully reiterates its request for clarification of what exactly in Paavonen the Examiner contends corresponds to each of the claimed “transmitting at least one of a digital audio or video broadcast service on a first channel” and “a second channel on which a service announcement identifying the service transmitted on the first channel is located”, as recited in claim 1.

**Dependent Claims:**

Applicant does not believe it necessary at this time to address the rejections of the dependent claims as Applicant believes that the foregoing arguments place the independent claims in condition for allowance. Applicant, however, reserves the right to address those rejections in the future should such a response be deemed necessary and appropriate.

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance, and an early and favorable examination on the merits is respectfully requested.

**AUTHORIZATION**

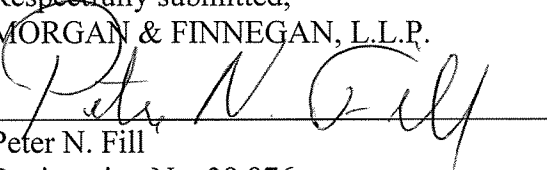
The Commissioner is hereby authorized to charge any additional fees which may be required by this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4061.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4061.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

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